

**IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL**

Criminal Transfer Application No. 16 of 2003

Smt. Deepa Bhatnagar
W/o Shri Akhilesh Bhatnagar
Daughter of Late J.N. Verma
R/o 316, Jamuna Bhawan
Subhash Nagar,
Bareilly Applicant

Versus

1. Additional District Judge/ Fast Track Court
Vth, Dehradun.
2. Akhilesh Bhatnagar
84 A WHD Colony
Indira Nagar (Near Seema Dwar)
Dehradun
3. Upasana Bhatnagar
84 A WHD Colony
Indira Nagar (Near Seema Dwar)
Dehradun Opposite Parties

Sri V.K. Bisht, learned Senior Counsel for the applicant
Sri B.P. Nautiyal, learned counsel for the opposite party nos. 2 & 3.
Sri G.S. Sandhu, learned counsel for the State.

Hon'ble B.C. Kandpal, J.

The petition has been filed u/s 407 of the Cr.P.C. Seeking transfer of the Sessions Trial No. 74 of 2000 State Vs. Akhliesh Kumar and others u/s 307 I.P.C. pending in the court of Addl. Sessions Judge/ Vth Fast Track Court, Dehradun to any other court of competent jurisdiction in Uttaranchal.

Learned counsel for the applicant has submitted that there is a danger to the life of the applicant from opposite parties. He has further submitted that in case, if the case is not transferred from Dehradun then the safety of the applicant would be put in danger.

Learned counsel for the opposite party nos. 2 & 3 as well as learned A.G.A. have raised an objection by making the submission that mere apprehension to the applicant is not sufficient ground to transfer the case. Learned A.G.A. has assured the court whenever the applicant attends the court at Dehradun she shall be provided police protection.

In view of the aforesaid circumstances, I am of the view that this petition does not bear any force and is liable to be dismissed.

However, the D.I.G. Dehradun is directed to make arrangement for taking the applicant, if need be, in police protection from Bareilly to the court of Dehradun on the date of hearing and return safely to her house at her own cost as and when required. The applicant shall bear the expenses at her own cost.

With the aforesaid direction, the petition is disposed of accordingly.

(B.C. Kandpal, J.)

11th April, 2005
ASWAL